



August 16, 2018

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

And

The Honorable John Cornyn
United States Senate
517 Hart Senate Office Building
Washington, DC 20510

Dear Majority Leader McConnell and Senator Cornyn:

The undersigned conservative leaders thank you and the 115th Congress for your historical work done to date in confirming an unprecedented number of judges to the federal judiciary. Generations of Americans will benefit by the 115th Congress getting the job done in this respect. The quality of the pending nominees and confirmed judges is outstanding. The confirmation of constitutionalist judges to these lifetime appointments will impact our nation for decades to come and will be the lasting legacy of this period in history. The President's recently confirmed and pending nominees understand that the proper role of the courts is to interpret the law, not to legislate from the bench; this understanding is vital to preserving the separation of powers principles the Founding Fathers enshrined in our Constitution. The high quality of the judges being appointed to the federal courts ensures that the fundamental American freedoms protected by our Constitution are preserved, and that Americans can enjoy the blessings of liberty and prosperity for generations to come.

However, the confirmation process is taking too long to complete. It is imperative that the Senate continue its good work confirming the President's nominees without needless obstruction. Even with these fifty-one confirmations, approximately one-hundred fifty-two current vacancies exist with eighty-five pending nominees. And, twenty-nine upcoming federal judicial vacancies are already known with four pending nominees. This does a disservice to a short-handed judiciary, the nominees, litigants, lawyers, and the American people as a whole. The Senate's procedural rules are being used to slow the judicial confirmation process, even for nominees who enjoy bipartisan support. The rules currently require the Senate to consider a nominee for thirty hours after cloture is invoked. This time should be reduced to keep the process moving forward and to allow judicial nominees to be confirmed in a timely manner.

Maintaining the status quo will have a detrimental impact on an overworked judiciary. Reducing post-cloture consideration time will help the judiciary to function more efficiently and allow the Senate to focus on other legislative matters.

Changing the procedural rules to more efficiently process judicial nominations is not unprecedented. In 2013, the 113th Congress passed Senate Resolution 15 (S. Res. 15), by a bipartisan vote of 78-16. S. Res. 15 established the same rules that are being proposed in currently pending S. Res. 355, which limit the time of post-cloture debates for judicial nominees. S. Res. 15 was especially impactful on the confirmation process for district court judges, allowing the Senate to confirm several district court judges per day.

Unfortunately, S. Res. 15 was only effective until the last day of the 113th Congress. The expiration of the S. Res. 15 rules change has left a void that the 115th Congress can fill. And there is no greater moment than now for the 115th Congress to show great leadership by permanently changing the Senate rules on judicial confirmations.

Once again, thank you for your hard work in processing judicial nominations. The leadership that is needed to maintain a functioning Senate in such partisan times is extraordinary. By removing the roadblocks preventing the efficient confirmation of federal judges, you and the 115th Congress will provide the exemplary leadership that is needed to make our government work. The judiciary and the American people depend on it.

In light of the pending United States Supreme Court nomination, the eyes of the nation are fixed on the federal judiciary confirmation process. Now is the time to demonstrate the importance of the judicial branch by using this opportunity to confirm all pending judicial nominees – at the very least those who have had confirmation hearings – in the time between now and when Justice Kennedy's replacement will be considered by the Senate. We must have the Senate working 24/7 to accomplish this goal of confirming all pending

nominees. We respectfully request that you use the remainder of the summer to clear the deck, so that we may have a full, robust judiciary at work for the American people.

Sincerely,



Robert Henneke
Texas Public Policy Foundation



Kelly Shackelford
First Liberty Institute



Cristen Wohlgemuth
Mountain States Legal Foundation



Tim Chapman
Heritage Action for America



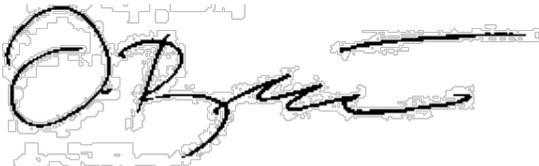
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